1947. File No. 15-49/5-

R. H. & B. C. DEPARTMENT

B Class

E BRANCH

Karnatak

Subject:— Criminal Tribes

Appointt. of a committee

to enquire into the

problem of —

B Class

Karnatak

26

E

File No. 15-49/5-

Std. Scott. Slip 24 Be.

G. R., G. D., No. 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET (B)

Subject :—

File No._____

_____ DEPT.

_____ BRANCH.

References :—

Date.	To whom sent.	Notes and instructions.

A committee consisting of H.P.M., H.M.R.D., H.M. Labour and Backward Class Officer as the Secretary should enquire and report into the problem of settlement of criminal tribes and other cognate matters. Habitual offenders Act on the lines of the similar Act in the Punjab should be framed and passed as early as possible. If H.M.H.D. is in favour of removing restrictions on any particular tribes even before the above Committee he may do so;

The Backward Class Officer may prepare the necessary papers and see me

H.M. (H.D.) Please discuss.

Secretary, Health Department.

H.E. (G.S.).

Discussed with H.M. H.M. desires that Habitual Offenders legislation should be taken up as quickly as possible and independently of the findings of the Committee. This in fact is in accordance with H.P.M's minute.

Sd/- G.G.D(rewe)
4/1/47,.

H.E.(G.S.) Seen Id/- (Shri John Colvile)
9/1/47.

H.D.

The accompanying drafts may issue. Action is being a taken separately to exact legislation on the lines of the Punjab Habitual Offenders Act.

Id/- H.C. 20/1.

Criminal Tribes.

Appointment of a Committee
to inquire into the problem of -------

Government of Bombay.
Home Department.
Resolution No. 1549/5.
Bombay Castle, 21st January 1947.

RESOLUTION.

Government is pleased to appoint a Committee consisting of the following members to inquire into the problem of the settlement of criminal tribes and other cognate matters :-

The Honourable Mr. B.G. Kher(Chairman),

The Honourable Mr. M.R. Desai,

The Honourable Mr. Gulzarilal Nanda,

The Honourable Mr. G.H. Astle, I.C,S., B.C.O. (Secy)

By order and in the name of the Governor of Bombay,

Sd/-

for Secretary to the Government of Bombay,
Home Department.

To

The Honourable Mr. B.G. Kher,
The Honourable Mr. M.R. Desai,
The Honourable Mr. Gulzarilal Nanda,
Mr. G.H. Astle, I.C.S., B.C.O.,
The Commrs. of Divisions,
All D.M's.
The Backward Class Officer, P of B., (by letter)
The Inspector General of Police, P. of B.
The Commissioner of Police, Bombay.
The Dy. Inspector General of Police, C.I.D.
All D.S.P's.
The D. of P. (with a request to issue a suitable press note)
The Accountant General, Bombay.
The Finnance Department.
The General Department.

No. A.D.M. /326
Poona, 1st May 1947.

To

The Honourable Mr. B.G. Kher,
Prime Minister of Bombay, Bombay.

The Honourable Mr. M.R. Desai,
Minister for Home Department, Bombay.

The Honourable Mr. Gulzarilal Nanda.
Minister for Labour, Bombay.

Sir,

The first meeting of the Criminal Tribes Enquiry, Committee appointed by Government under G.R., H.D. No. 1549/5 dated the 21st January 1947, provisionally fixed for Wednesday the 7th May 1947, at 1-30p.m. The meeting will, if approved by the Honourable the Prime Minister, be held at the Secretariat in his office.

A brief note on the Criminal Tri
Department is attached h

Contd.------ X.D. 24/8.

Yours obedient Servant,

Sd/-
(A.K. Khan),
Backward Class Officer,
Bombay Province, Poona.

No. A.D.M. No. 326,
Poona, 1st May 1947.

Copy forwarded with compliments to the Secretary to G
Government, Home Department, Bombay for information.

Sd/-
Backward Class Officer,
Bombay Province, Poona.

Home Department

Submitted for information.

Id/- 3/5/47.

U.S. Id/- 3/5/47.

Secy. Id/- 5/5/47.

A note on the Criminal Tribes Settlement Department.

Any tribe gang or class of persons or part of a tribe, or gang or class which is addicted to the systematic Commission of non bailable offences is notified as a Criminal Tribe under Section 3 of the Criminal Tribes Act and under Section 4 members of such tribes are registered i.e. registeres of such persons are prepared by the Distric Magistrate under instructions from the Local Government. Persons who are thus registered as members of Criminal Trib and whose movements are restricted can be divided into two categories :- (1) those who are under Police surveillance under Section 10 and 11 Criminal Tribes Act and (2) those who are interned in Settlements under Section 16 Criminal Tribes Act and are directly in charge of this Department. ~~Settlement.~~

The following are the tribe which are at present registered as Criminal Tribes. :-

1) Mang - garudis.

2) Kaikadis.

3) Ramoshis.

4) Kanjar Bhats and Chharas.

5) Mangs.

6) Pardhis.

7) Waghris.

8) Rajput Bhaptas.

9) Takari Bhamptas

10) Ghattiwaddars.

11) Berads.

12) Lamanis.

13) Bhils.

14) Kolis.

15) Tadvis.

The total population of registered members of Criminal Tribes who are under Police surveillance under Sections 10 and 11 of the Act, as it stood on 31-12-1946, is given below :-

Total registered members under Section 10 of the Act.	4164
Total registered members under Section 11 of the Act.	1834
Total.	5998

Members of a registered tribe are interned in Settlements under Section 16 of the Criminal Tribes Act. There are 12 Settelements and 4 Free Colonies in charge of this Department.

Generally speaking, if a settler behaves well for a certain period (usually 4 years) he is released on license and allowed to stay in a Free Colony. The following is the population of the Settlements and Free Colonies.

Contd.--

	Registered members.	Dependents.	Total.
Settlements. -	1325	2658	3983
	Licenses.		
Free Colonies.	874	6680	7554
		Grant Total.	11,537

The total number of staff engaged in this Department consists of about 485 people viz.,

Gazetted Officers	4
Office Superintendent (non-gazetted).	1
Managers and Clerks.	98
Teachers. etc.,	96
Guarding and watching staff	156
Contract and temporary Establishment.	130
	485

If it is decied to exempt Bombay Province from the provisions of the Criminal Tribe Act, more than half the settlers can be released and nearly 2/3rd of the licenses in Free Colonies can be de-registered. Important Settlement could be retained as Welfare Colonies and they should be of two types :- (1) for habituals with certain restrictions and (2) for others who have found employment in the vicinity of Settlements and need assistance and guidance as they are not yet entirely given up their criminal habits. Plots of land or small loans for starting business willhave to be given even to those whose registration is cancelled in order that they may settle down and not revert to their hereditary ways.

The provisions of the I.P.C., Cr. P.C. and the other Acts are quite sufficient to deal with crime. If an Habitual Offenders Act on the lines of the one in force in Pumjab

with additional provisions~~xxxxxx~~ for the restriction of certain members of these tribes and for detention of habituals in the labour colonies is enacted then the C.T. Act and the existing Settlements would no longer be required. In fact, the Act with all its implications and judged from the achievements of the Department up to date is more or less an anachronism.

While discussing the Criminal Tribes Settlement Act, and its future the Committee consisting of H.P.M. H.M., Labour and myself came to the conclusion yesterday that we should remove all the police restrictions on the Hazii on these people under Sections 9 and 10. Plan note on this soon as these police restrictions should be removed as soon as possible. We may watch the effect for a year on the incidence of crime and then decide the abolition of the Act altogether.

In the meanwhile I hope the Habitual Offenders Act is being got ready. This Act may provide for Settlement of such offenders to be carried on.

Id/- 9/5.

No. A.D.M. 326
Poona, 8th May, 1947.

To

The Honourable the Home Minister,
Government of Bombay, Bombay.

Sir,

At the meeting of the Criminal Tribes Enquiry Committee held in the office of the Honourable the Prime Minister at the Secretariat on Wednesday the 7th May 1947 at 1-30 P.M., it was finally agreed that steps should be immediately taken for the gradual withdrawal of the provisions of the Criminal Tribes and ~~Acts~~ Act and for the dissolution of the smaller Settlements and Free Colonies,

Contd.--------

X.D. 24/8

~~so that in about a year's time out of 17 Settlements and Free Colonies~~, so that in about a year's time, out of 17 Settlements and Free Colonies existing at present only 4 have Settlements and Free Colonies would be left over. These steps have to be taken during the transitional period of two years. The Habitual Offenders Act on the lines of the Punjab Act would meanwhile be enacted with certain provisions added to it for detention of certain members of the erstwhile notified tribes in the Settlements which may then be designated as Labour Colonies. Bombay Province would thus eventually, by gradual stages, be exempted from the provisions of the Criminal Tribes Act.

It was further resolved that certain suggestions made in may notes should also be adopted. As desired by you I am ~~xxxxxxxxxx~~ submitting those suggestions accepted by the Committee for your ~~xxxxxxx~~ approval.

It is generally felt that Police action under Section 10 and 11 of the Criminal Tribes Act is to a certain extent esponsible for the tribes continuing in their present unsatisfactory state. On page 51 of the Criminal Tribe Enquiry Committee Report of 1937, the hazari system has been criticised by the Committee as being used in some cases particularly by village headmen or subordinate Police Officers as "an engine of oppression." It was provisionally agreed in the meeting held on 7-5-1947 that as far as possible, Police action under Sections 10 a and 11 of the Act should be curtailed. Immediate abolitio of the Hazari System may notbe feasible but it could certainly be graded in such a way and the rules relased to su such an extent as to make it less oppressive. In this connection I beg to draw your attention to pages 42-43 of the Criminal Tribes Act Enquiry Committee Report of 1937 in which it is suggested that the abeyance system which was said to be prevalent in ~~xxxx~~ Madras Province and which consists in the holding in abeyance of the hazari of a tribesman if he has been continuously

of good behavious for 4 months may be introduced in Bombay Province . Further Hazari may be imposed on only in the cases of those members of tribes considered to be criminal who have definitely proved criminal tendencies and it should be for a short period of only 4 months and may be held in abeyance thereafter. Further in those cases where they have one or two definite convictions against them they may be taken out of Police Surveillance and handed over to this Department to be kept for a certain period in Settlements. The introduction of this practice of transferring from Police surveillance to Settlements would appear to lead to an increase in the population of the Settlements, but as suggested by me in the following paragraphs even though the number of Settlements is reduced yet the existing population of the Settlements would also be reduced yet the existing population o of the Settlements would also be reduced to such an extent when many of them are deregistered that the number is not likely to increase if some of these members of the tribes hitherto in charge of the Police are transferred to the Settlements.

It was also accepted b the Committee that further internments under Section 16 of the Criminal Tribes Actshould continue but should be restricted. Internment under Section 16 will continue till the Habitual Offenders Act is enacted and brought into operation.

It was also agreed that those registered settlers who are at present interned in the Settlements and whose conduct has been satisfactory for an uninterrupted period of two years should be released on license and transferred to the Free Colonies and those licensees of the Free Colonies

whose behaviour has been satisfactory for two years should be deregistered straightaway. In judging whether the conduct of departmental rules should be entirely ignored and only convictions during the period of detention against person or property should be taken into account. I am accordingly issuing a Circular to all the Settlement Managers and the Assistant Backward Class Officers concerned to immediately prepare a list of such settlers and free colonists who have behaved well during the last two years, and further action will be taken when Government approval is received.

* settler or a free colonist has been satisfactory or not breaches of

This would considerably reduce the number in the Settlements and Free Colonies, and even if restricted action under Section 16 of the Act is continued and even if some members of the tribes who are under Police surveillance are transferred to the Settlements, the number would not be such as to require the rention of the present number of Settlements, nor is there any danger of the Settlements that are to remain being overcrowded.

It was also agreed that the smaller Settlements should be closed down in two batches at an interval of six months. As a first step the Settlements and Free Colonies, at Jalgaon, Ambernath, Bijapur(Industrial) Bagalkot and Gadag should be closed down staraightway. The number of registered settlers at these Settlements is very small and most of them would be due for release under the above proposals. The remaineder could be transferred to one of the three regional Settlements. Similarly Free Colonies at Belgaum and undirgaon should be dissolved and the colonists deregistered. After another six months and the next step should be to close the Settlements and Free Colonies at at Dhulia, Mundwa and Khanapur and the Free Colonies at

Hotgi.----------

Hotgi and Barsi. Thus at the end of one year only the following Settlements and Free Colonies for the three divisions of the province would be left :- Ahmedabad Sholapur and Hubli. The Reformatory Settlement at Bijapur intended for habituals will also have to be retained for the hardened cases. It was, I believe observed by the Honourable the Minister for Labour that the Settl--ements and Colonies should be situated at places where there are large employment facilities; and, whereever possible the labour should be productive. The three Settlements mentioned above are situated at places where there are mills and workshops and the Settlement at Bijapur which has industies on the premises could be organised in such a way as to provide channels for productive activity.

It was also suggested at the meeting that efforts should be made to provide adult education in the Settleme--nts. I am preparing a scheme for such eduction and as additional staff will be required for this purpose the --expenditure on the scheme will also be worked out.

One of the principal drawbacks of Settlement life is the complete absence of recreational facilities for the settlers after the days hard labour and of ameliorative measures forthe improvements of their standard in life. Apologies for clubs are provided at some places but they are such a small affair that even the sta--ff can hardly taken advantage of such recreation clubs. As regards other ameliorative measures in some Settlemants Panchayats and Cooperative Societies have been established. But those are not effective organisations and the whole question has to be gone through carefully. Unless we provided for training in citizenship for the settlers and the colonists and try to improve ~~thier~~ their standard of life it is not possible to reabsorb them

Contd.----------

them into society. For this purpose two things are essentia necessary in the beginning :- (1) a good well paid staff and (2) better housing arrangements for inmates. The manage of most of the Settlements in the Province are people who have risen from the ranks and have hardly had any training or any aptitude for social service. Unless we get men with aptitude for this kind of work though training as such may not be necessary and unless we pay them well it is not possible for them to take any keen interest in the work.

I have visited most of the Settlements in the Province and I find that most of the houses provided for settlers are so small and the surroundings are so dirty that instead of trying to improve or reform the settlers this Department may be said to have kept them in their primitive stage. The Haranshikaris at Hubli Settlement for example live in miniature huts into which they crawl in order to enter. Since we propose to retain the three Settlements at Ahmedabad, Sholapur and Hubli, construction of new houses of a certain type design at these three Settlements may be taken up at an early date. In the post War Reconstruction Scheme there is a proposal for the rehousing of settlers. The amount provided is Rs. 1,00,000/-. This has been deferred for the present. In the first place the implementing of the Scheme need not be deferred but may please be taken in hand at an early date.

the amount provided is hardly sufficient; & need

Yours obedient Servant

Sd/-

Backward Class Officer,
Bombay Province, Poona.

Id/- 8/5/-

X.D. 24/8.

mm 24/8.

The Backward Class Officer has submitted a report embodying the decisions taken at the meeting of the Criminal Tribes Enquiry Committee held on the 7-5-47. The broad con-clusion reached by the Committee was that steps should be taken immediately for the gradual withdrawal of the provisions of the Criminal Tribes Act and for the disssolution of the smaller Settlements and Free Colonies; so that in about a year's time, out of 17 Settlements and Fee Colonies existing at present only 4 would remain. The detailed action proposed by the Backward Class Officer is outlined below -

(i) that Police action under section 10 and 11 of the Criminal Tribes Act should be curtailed as far as possible.

(ii) that members of tribes considered to be criminal who have one or two definite convictions against them should be removed from Police surveillance and interne in Settlements for a certain period;

(iii) that further internments under section 16 of the Crimi-nal Tribes Act should continue but should be restricte

(iv) that those registered settlers who are at present interned in Settlements and whose conduct has been satisfactory for an interrupted period of two years should be released on license and transferred to the Free Colonies and those licensees of the Free Colonies and those licensees of the Free Colonies whose behaviour has been satisfactory for two years should be deregistered straightway;

(v) that the smaller settlements and Free Colonies should be closed down in two batches at an interval of six months and

(vi) that efforts should be made to provide adult education recreational facilities and ameliorative measures in Settlements.

These proposals are noted on seriatim below.

P.T.O.

2/- Proposal (i) : It is generally felt that the hazari system is responsible to a large extent for the present unsatisfactory state of the members of the Criminal tribes. Often the hazrivalas are made to serve the village headman almost as his personal servant and the threat of registration and subjection to "hazri" is used as a lever for extorting money. Sometimes Hazris are not properly kept and it is not unusual for a criminal to escape it by sharing his spoils with the police patel. Despite these drawbacks the hazri system is one of the recognised ways of keeping in check of the criminal tendencies of habitual offenders. In fact, the legislation which we propose to enact on the linies of the Punjab Habitual offenders Act has the hazri system as its basis. It would therefore be illogical to do away entirely with the hazri system under the Criminal Tribes Act and simultaneously to enact legislation for the imposition of the same restriction. The Punjab Act has been found to be of great value in that Province in dealing with hardened criminals for the control of whose movements the existing law has been found to be inadequate. Under the Criminal Tribe Act hazri is not imposed on all members of criminal tribes, but only on such of them as have two convictions. To protect society, xxxx the imposition of restrictions on the movements of such people may not be quite unreasonable. Apart from this if the hazri system is entirely abolished an intermediate stage will be cut off and people will go quicker to Settlements which may not only get overcrowded but the population may increase to such an extent as to necessiattate the opening of new Settlemens. Such a step would be retrograde at a time when we are thinking of repealing the C.T. Act. Therefore it appears that it would not be advisable to do away entirely with the hazri system

K.W. 24/8.

27-8

If this view is accpted we may proceed with the enactment of the Habitual offenders Bill. On itws own merits it (i.e the Habitual Offenders Bill) is a weapon that Government could illafford to do without. It is also not obnoxious in the sense that it is not directed against a particular class or section of the population but is intended to be used against all habitual criminals regardless of the class or the section of the population to whch they belong Further all members of criminals tribes will not come "en masse" within the scope of the Habitual ~~Criminals~~ offenders Bill but only those of them who are habituated to crime. If the Habitual Offenders Bill is to be proceeded with a provision may be made in it for Settlements (to be termed Labour Colonies) and simultaneously with the enactment of the Bill action may be taken to repeal with the Criminal Tribes Act. It may sound strange but the Habitual Offenders Bill when passed will be the Criminal Tribes Act minus its bad points.

Some time will however elapse before the Habitual Offenders Bill becomes law. In the meantime, we may speed up the denotification of tribes (so far only the Dharalas and Waddars have been denotified) from the operation of the Criminal Tribes Act and enforce the hazri system less rigorously. In Madras, the "abeyance" system is said to have been in force. It consisted in holding the "hazri" in abeyance if a tribesman had been of good behaviour for 4 months continously. We may adopt the same system in this Province. In addition hazri may be imposed only in the cases cases of those members of tribes who have definitely proved criminal tendencies and then too only for a short period of 4 months after which it may be held in abeyance, provided the persons concerned were ofgood behaviour during that period.

3/- Proposal (ii) :- At present a person is registered after two convictions and registration carries with it the police restrictions of hazri. Internment in a Settlement takes place after convictions. The Backward Class Officer's proposal to intern people after one or two convictions is not a relaxation but a tightening up of the provisions of the Act because detention in our Settlements can scarcely be said to be reformative. If it comes to choosing between hazri and being interned in a Settlement most people would prefer the former as it does not seriously affect their normal way of life. Further internment in a Settlement after one or two convictions is bound to increase the population of Settlements and may stand in the way of the closing down as a large number of the people who are there at present will be released. It is very doubtful whether the Backward Class Officer's appreciation of the position is correct.

4/- Proposal (iii) We may agree that further internment under Section 16 should continue, but on a restricted scale. It will be necessary in certain cases to intern people in settlements and such action may be taken under the Criminal Tribes Act pending enactment of the Hacitual Offenders Bill.

5/- Proposal (iv) :- This proposal is a step in the right direction and we may approve of it. In judging whether the conduct of a settler or a free Colonist has been satisfactory or not the Backward Class Officer proposes that breaches of departmental rules should be entirely ignored and only convictions, during the period of detention, against person or property should be taken into account. We may agree to this. The Backward Class Officer is issuing

a Circular to all the Settlement Managers and the Assistant Backward Class Officers, concerned to prepare a list of settlers and free colonists who have behaved well xxxxx during the last two years and will take further action as proposed by him on hearing that Government has approved of his proposal.

6/- Proposal (v) The Backward Class Officer proposes that the Settlements and Free Colonies at Jalgaon, Ambernath Bijapur (Industrial) Bagalkot and Gadag should be closed down straightaway. In addition, he suggests that the free Colonies at Belgaum and Undirgaon should be dissolved and the colonists deregistered. After 6 mohths he proposed to close down the Settlements and Free Colonies at Dhulia, Mundwa and Khanapur and the Free Colonies at xxxxxxxxxxx Hotgi and Bardi. According to the Backward Class Officer's plans' at the end of 1 year there will exist only the Settlements at Ahmedabad, Sholapur and Hubli and the Reformatory Settlement at Bijapur, the latter being required for hardened ceases. The Settlements at Ahmedabad Sholapur, and Hubli are situated at places where there are mills and workshops and the Settlement at Bijapur which has industries on the premises can according to the Backward Class Officer, be organised in such a way as to provide channels for productive activity. So far as the Criminal Tribes Act is concerned it would be good to close down as many Settlements as possible but as these settlement will be required as Labour Colonies under the Habitual Offenders Bill it may be as well to keep most of them going until the Habitual Offenders Bill becomes law and we are able to judge our requirements in the light of the working of the Bill. Apart from this if the hazri system is done away with entirely and people with one or two convictions are sent to Settlements, there will be need for no more accommodation and it may be advisable not to rush with the closing down of the Settlements but to abolish only one

only one or two at intervals of say 3 months depending on the circumstances obtaining at the time.

7/- Proposal (vi) :- The Backward Class Officer states that he is preparing a scheme for imparting adult educational in settlements He may be asked to submit the scheme to Government for approval as soon as it is ready. The main drawbacks of settlement life are the absence of recreational facilities and ameliorative measures for raising the standard of life of the settlers. In some Settlements there are Panchayats and Cooperative Societies, but the Backward Class Officer says that they are not effective organisations and the whole question has to be gone through carefully. He may be asked to examine this matter and submit a report to Government. In the Backward Class Officer's opinion, unless we provide for training in citizenship for the settlers and colonists and try to improve their standard of life it will not be possible to reabsorb them into society. For this purpose, he suggests (i) that there should be a good well paid staff that is people with an aptitude for the work should be appointed as Managers of Settlements and they should be paid well and (ii) that better housing arrangements should be made for the inmates. As regards (i) the Backward Class Officer may be asked to submit proposals for the consideration of the Government and, as regards (ii), he may be asked to submit plans and estimates for the construction of new houses of a suitable type for the Settlements at Ahmedabad, Sholapur and Hubli, as these major settlements will probably be retained even under the Habitual Offenders Bill though under a different name (Labour Colonies.)

In the post war.----------

K.D. 25/8.

In the post war reconstruction programme there is a scheme for the rehousing of settlers but it has been postponed to the second five year period for want of funds. The Backward Class Officer wishes this scheme to be taken up at an early date. In view of the action proposed at X a above the scheme may perhaps be kept pending for the time being.

Id/- 13/5/47. U.S. Id/- 14/5/47.

Secy, H.M., H.D. H.M. (Lab.) H.P.M. I think it was the intention of Government that the Habitual Offenders Act based on the Punjab model should replace the Criminal Tribes Act. This is not possible without considerable additions in the Punjab Act, notably with regard to settlements. The Punjab Act really provides a system of hazri for habitual offenders as settlements must continue for the really hardened type our Act therefore on replacement will be of a more stringent nature than the Punjab Act.

2/- The Criminal Tribes as such were generally supposed to commit crimes through ignorance rather than through viciousness. It was therefore that particular stress was laid on education in dealing with them. If the Punjab Act is applied when the Criminal Tribes Act is abolished members of what are now the criminal tribes will no longer be in the position of very special consideration. It may be that this is now justified as with the general advance the criminal tribesmen may generally realise clearly the difference between right and wrong. But I have a fear that it is moving a little too fast. On the other hand, by giving similar treatment to all criminals we do get away from any derogatory nomenclature and feelings expressed officially that certain communities are natureally inferior. Henceforth if fact if the scheme goes through, we shall deal with delinquent individuals and not with delinquent tribes.

3.----------

./- Office has mentioned the incongruity of the course suggested by the Committee. While Government is bent on applying the Punjab Act, which provides chiefly of a hazri of habitual offenders the committee proposes to suspend the hazri system with relation to particular class of criminal tribes. I think if such a course is adopted the Assembly will criticise severely the hazri provisions in the Punjab Act when they come before them ~~to-eri~~ because they will say that if we are not applying them to criminal tribes against whom they can legally be applied now what justification is there for putting them on generally.

Hazri against a tribe is quite different from Hazri against Habitual offenders. The latter is equitable and justifie and will not be opposed.

4/- There were undoubtedly absenses in the hazri system but it had its advantage too. It was an intermediate stage between internment and freedom. If the intermediate stage is removed then undoubtedly the number of persons interned in settlements will go up. This will certainly be the case if the course suggested inpara 2 of the Committee's recommendations as narrated on page 49 is adopted. It will not be possible to restrict further internment according to para 3 of the recommendations. Nor will it be possible to close down the smaller settlements as recommended in para 5.

5/- I agree that the housing has been a disgrace in the settlements and free colonies and it would be desirable to construct model houses at the bigger settlements.

H.M., H.D. Id/- 15/5.

H.M. (Labour) Id/- 20/5.

H.P.M.

I think all H.M(s) should see and note on this.

Id/- 24/5.

Contd.-------

H.M. (Industries) Id/- 27/5

H.M. (L.S.G.) Id/- 3/6

H.M. (Forests) Id/- 3/6

H.M. (Labour) Id/- 9/6.

H.M. (Finance) Id/- 10/6

H.M. (Law) Id/- 11/6

H.M. (Excise) Id/- 14/6

H.M. (Health) Id/- 16/6

H.M. (H.D.) Id/- 17/6

H.P.M.

H.E. (G.S.)

H.M.H.D.

I am going to Sholapur to preside at the Takari Bhampta Conference in July - if I can. Or H.M.H.D. should. Action should be taken thereafter. Habitual Offenders Bill may be put up. H.M.H.D. may discuss afterwards.

Please see H.P.M's note overleaf.

Id/- 23/6/47 .

H.M.H.D. This may be discussed when it may suit H.P.M. to do so.

Id/- 24/6/47.

X.D.
25/8.

27-8

I discussed this file with H.F.F.

We have come to the conclusion that the time has now come when the whole communities should not be perpetually damned as Criminal Tribes and treated as such. At the same time it is necessary to keep effective control over hardened criminals. This can be done by enacting attached Offenders Act on the lines of the Punjab Act with an additional provision for settlements for habitual Offenders. Until this is done, the following steps be taken.

Hazri orders against Offenders with two or more Concludions should be withdrawn against those who have behaved well for two years. New orders of ~~Hazd~~ a Hazari should be issued against only those who are classed as habitual offenders. Those who are condemned confirmed criminals should be sent to settlements.

Written or oral of Hazri against members of externed Criminals tribes who have no leas than 2 convictions should be withdrawn.

Large communities who may have be classed criminal should be denotified if the percentage of crimes in the community in on the decrease.

Very small settlements may be absorbed in the larger settlements.

In the settlements those who have shown good behaviour for two years should be transferred to free colonies from where they should be discharged after two years good behaviour.

The Habitual Offenders Act should be ready as soon as possible as it is enacted, Criminal Tribes Act should be repealed when this is done communities will not be dubbed criminal and only criminal individuals will be controlled. The communities which so long condemned treated and looked after as backward Classes.

Communities

Id/- 4/7.

P.T.O.

H.D.

Draft orders are put up for approval.

2/- The term Habitual offenders and ~~confirmed~~ confirmed criminals have been defined for the purposes of these orders as persons who have not more than five and more than five convictions respectively against person or property only.

Id/- 12/7/47.

I would suggest that to make it more specific the item Habitual Offenders should mean persons with convictions between these and five.

Id/- 12/7/47.

H.M. Id/- 15/7/47.

X.D. 25/8.
mm
27-8

GOVERNMENT OF BOMBAY.
Home Department.
Resolution No. 1549/5.
Bombay Castle, 16th July 1947.

R E S O L U T I O N.

The Government of Bombay has considered the recommendation made by the Criminal Tribes Act Enquiry Committee appointed in January 1947 and has come to the conclusion that the time has now come when whole communities should not be dubbed as Criminal and treated ~~as such~~ as such. In pursuance of this conclusion it has decied to repeal the Criminal Tribes Act which operates communitywise as soon as the Habitual Offenders Act - which it is proposed to enact with a view to keeping effective control over hardened criminals - is placed on the Statute Book. With the repeal of the Criminal Tribes Act, communities which are at present classified as Criminal will be considered treated and looked after as backward classes.

2/- Pending the repal of the Criminal Tribes Act, Government is pleased to direct that the following ~~xxxxxx~~steps shouldbe taken in relaxation of the Criminal Tribes Rules, 1930 :-

I. Registration under the Criminal Tribes Act should be cancelled in the case of members of criminal tribes

a) who have no conviction or one conviction.

b) who have two or more convictions provided they have behaved well during the last two years.

II. Members of tribes declared criminals should in future be registered only if they are ~~classified~~ classed as habitual offenders.

III. Only those members of criminal tribes who are considered as confirmed criminals should be confined to settlements under Section 16 of the Criminal Tribes Act.

IV. (i) Members of criminal tribes who are at present confined to settlements under Section 16 of the Act and whose behaviour has been good during the last two years should be released from the Settlement subject to the condition that they live in a Free Colony from where they should be discharged after two years good behaviour and deregistered.

(ii) Members of the Criminal tribes who are at present residing in Free Colonies on probation and whose behaviour has been Satisfactory during the last two years should be discharged from the colony and deregistered straightway.

V. Large tribes which have been declared criminal under section 3 of the Criminal Tribes Act should be denotified from the operation of the Criminal Tribes Act, if the indidence of criminality among them is on the wane.

VI. Very small settlements should be closed down and t the settlers should be transferred to larger settlements nearby.

3- For the purpose of these orders

(a) 'habitual offender' ~~should~~ shall mean a person who has two or more but not more than five convictions and confirmed criminals shall mean a person who has more than five convictions in both cases conviction against person and property only being taken into consideration.

(b) in determining whether the conduct of a settler or a free colonist has been good or not breaches of departmental rules and techinical ~~offenders~~ offence under the Criminal Tribes Act should be entirely ignored and conviction during the period of detention against person or property should only be taken into account.

4/- The District Magistrate and the Backward Class Officer should be requested to issue orders imediately cancelling the registration of members of criminal tribes in accordance with these orders. The Backward Class Office should also be requested to issue orders urgently for the release of settlers and Free Colonists and to submit to Government specific proposals for the closing down of very small settlements.

5/- The Deputy Inspector General of Police, Criminal Investigation Department, Poona, should be requested to submit a comprehensive report to Government, through the Inspector General of Police, and the Backward Class Officer showing the incidence of criminality among the various Criminal tribes in this Province during the last five years with his views on the question of denotifying them from the operation of the Criminal Tribes Act.

By order of the Governor of Bombay.

Sd/-
for Secretary to the Government of Bombay,
Home Department.

To

The Inspector General of Police, Province of Bombay.

The Commissioner of Police, Bombay,

The Deputy Inspector General of Police, Criminal Investigation Department,

The Deputy Inspector General of Police, Northern Range

The Deputy Inspector General of Police, Southern Range

All The District Magistrates,

The Backward Class Officer, Province of Bombay/All Dis-Trict Superintendents of Police / The Education and Industries Department.

The Director of Publicity, Bombay (with a request to issue a suitable press note.)

No. C.T.C.S.R. 18/1759.
Poona, 31st July 1947.

To

The Secretary to Government,
Education and Industries Department,
Bombay.

Subject:- Criminal Tribes Act, 1924.
Relaxation in the application of the ---

Reference G.R., H.D. No. 1549/5 dated the 16th July 1947. In para 2(IV) (i) thereof, it has been ordered that criminal tribes members who are confined to settlements under Section 16 Criminal Tribes Act and whose behaviour has been good during the last two years should be released from the Settlements subject to the condition that they liv in a Free Colony.

2/- It has been the practice of this Department hitherto in granting releases on license to consider requests for releases to villages in the case of internees who may have their lands or other means of earning an honest living or to other areas where there are reasonable propspects of obtaining employment etc. Open to them. Proposals along these lines have also been received in some cases. As the G.R. is also worded it would be notpossible on a strict interpretation thereof to continue this practice I do not think that it is the intention of the Government that this practice should be discontinued.

3/- In the circumstances I suggest that in para 2(IV)(i) after the words "in a Free Colony"occuring in the 5th line thereof the words "to a village or a place specified by the Backward Class Officer" may be added. I request that early orders of Government may kindly be obtained accepting this suggestion. I propose to continue the present practice of releasing internees to their villages or other suitable places on individual requests in deserving cases in anticipation of Government sanction ~~thereof~~ therefor. My action on these lines may kindly be approved.

Very early orders are solicited.

X.D. 25/8.

Sd/-
(M.N.Heble)
Backward Class Officer,

The Backward Class Officer has stated with reference to the orders issued in G.R.H.D. No. 1549/5 dated the 16th July, 1947 that the orders contined in para 2(iv) (i) there of are at variance with the existing practice of granting releases on license to internees. For the reasons given in his letter he ahas pointed out that the present practice should continue and that for that purpose the orders may be modified by addition of the word "to a village or a place ' specified by the Backward Class Officer, He has also asked for Government's approval to his action in continuance of the present practice in the case of releases of internee. As presumed by the Backward Class Officer it does not seem to have been the intention of Government to discontinue the present practice. The addition suggested by the Backward Class Officer may be approved. The accompanying G.R. may issue.

Id/- 13/8/47.

Secy. H.D. Id/- 19/8/1947.

Id/- 15/8/47.

H.D. (R.H. and B.C.) Id/- 21/8/

H.M. (H. R.D.) Id/- 22/8/47.

Criminal Tribes Act 1924
Relaxation in the application of

Government of Bombay,
Education and Industries Department.
Resolution No. 8172,
Bombay Castle, 27th August 1947.

Read Government Resolution, Home Department No. 1549/5, dated the 16th July, 1947.

Letter from the Backward Class Officer, No. C.T.C.S.R. 18/1759 dated 31st July, 1947.

Resolution :- In modification of the orders contained in paragraph 2 (iv) (i) of Government Resolution, Home Department, xxxx No. 1549/5, dated the 16th July, 1947 Government is pleased to direct that the words "to a village or a place as specified by the Backward Class Officer" should be added

after .----------

after the words "in a free colony", occuring in that paragraph.

2/- The Backward Class Officer's action in ~~xxxx~~continuing the present practice of releasing internees to their villages or other suitable places on individual requests in deserving cases as heretofore, pending issue of orders as in paragraph 1 above, is also approved.

By order of the Governor of Bombay,

Sd/-
D.S. Joshi.
for Joint Secretary to the Government.

To

The Inspector General of Police, Province of ~~Bo~~ Bombay.

The Commisssioner of Police, Bombay.

The Deputy Inspector General of Police, Northern Range.

The Deputy Inspector General of Police, Criminal Investigation Department.

The Deputy Inspector General of Police, ~~South~~ Southern Range.

All District Magistrates.

The Backward Class Officer,

~~The~~ All District Superintendents of Police,

The Home Department,

The Director of Publicity (for issueof a suitable Press Note)

I.D. 25/8.
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